



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0085-20</b>
<b>2. Advertiser :</b>	<b>Zookal</b>
<b>3. Product :</b>	<b>Retail</b>
<b>4. Type of Advertisement/Media :</b>	<b>Outdoor</b>
<b>5. Date of Determination</b>	<b>11-Mar-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading

### DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement is two sided. Side one features the "distracted boyfriend" meme in which a man looks at the backside of a woman walking by while another woman, presumably his romantic partner, looks on disapprovingly. The people are labelled as Uni Students (man), Co-op Bookshop (disapproving girlfriend), ZOOKAL.COM (woman walking past).

Side 2 features the text "CHEAP ASS TEXT BOOKS" inside an arrow pointing down to a website.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Sexual nature, objectifying women's bodies*

### THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:



*The complaint relates to two ads that Zookal has run on Street furniture as part of a national campaign to target University Students.*

*Firstly it should be noted that these ads are separate creatives and although may appear in the same advertising panel do not reference one another apart from the Brand itself.*

*Creative 3\_Study: In review of section 2 we do not believe that there is any exploitive or degrading message being employed as the word 'ASS' is referring to prices and books that Zookal stocks*

*Creative 4\_meme: The creative in question was derived from an extremely popular meme titled 'Distracted boyfriend'. Zookal employed its own references to leverage the familiarity of the meme. The meme itself does not employ any exploitive or degrading material which is further emphasized by the copyright layered on top by Zookal. This image is available as a stock image from Shutterstock.*

*Furthermore these creatives along with 20 others were submitted to oOH! Media at the start of our campaign scope. After consulting with the team at oOH! Media which included their Ad approval team we choose these 2 and 2 other ads to run. Given oOH! Media's extensive experience in this area we are confident that we have not breached the AANA Code of Ethics.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement objectified women's bodies.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitive or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitive and degrading:

Exploitive - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel first considered whether the advertisement used sexual appeal.



The Panel noted the advertiser's response that the image on the first panel is of a popular meme titled 'distracted boyfriend' and does not employ any exploitative or degrading material.

The Panel considered that the two women and the man in the advertisement were depicted in casual clothing appropriate to the setting. The Panel considered that whilst the man was depicted as admiring one of the women, there was no focus on her body parts, she was not posed in a sexual manner and there was nothing in the advertisement to suggest she was sexualised.

The Panel considered that the two separate images in the advertisement may be seen in the same location, however considered that it was unlikely that most members of the community would consider the phrase 'cheap ass' in the second image to be referencing the first.

The Panel considered that the advertisement did not employ sexual appeal in its depiction of the man or women.

Finding that the advertisement did not employ sexual appeal the Panel determined that the advertisement did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted that the Practice Note for the Code provides: "Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner)."

The Panel noted the use of the phrase 'cheap ass text books' and considered that the use of the word 'ass' was in reference to the low prices of the books. The Panel considered that the use of the phrase was consistent with everyday Australian vernacular and was not inappropriate in the circumstances, or strong or obscene. In the Panel's view the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.